

-----X

ULTIMA SERVICES CORPORATION,

Plaintiff,

-against-

No.2:20-cv-00041
DCLC-CRW

U.S. DEPARTMENT OF AGRICULTURE,
U.S. SMALL BUSINESS ADMINISTRATION,
SECRETARY OF AGRICULTURE, and
ADMINISTRATOR OF THE SMALL BUSINESS
ADMINISTRATION,

Defendants.

-----X

Michael Rosman hereby states:

1. Attached hereto as Exhibit 1 is a true and correct copy of Daniel Chow's Report.
2. After receiving the Chow Report, I consulted with Dr. Jonathan Guryan. Dr. Guryan told me that in order to reproduce and evaluate Chow's analysis, he needed Chow's data files.
3. On February 24, 2022, Defendants produced two of the files Mr. Chow used. One is named "SAM_1904_2009_SB_D.dta" (7,466,447 obs and

42 variables), and the other is “Awards_Combined_FY19FY20_SBNonSB.dta” (5,659,740 obs and 64 variables).

4. On March 10, 2022, I deposed Mr. Chow. In his deposition, I asked him whether the 64 variable, 5.6 million obs. file he referred to in his report is the combined FPDS-SAM file. Mr. Chow confirmed that it is. Exhibit 2, attached hereto is a true and accurate copy of relevant portions of Mr. Chow’s deposition transcript.

5. On March 17, 2022, Mr. Chow’s deposition transcript became available. I again consulted with Dr. Guryan, who advised me that it would be impossible to replicate Mr. Chow’s analysis with the files he had been given, and the information in Mr. Chow’s deposition transcript. He asked if I could obtain the computer code that Mr. Chow used for his study.

6. On March 23, 2022, I first orally requested Defendants provide the computer code used by Mr. Chow. I followed up with a written document request on March 25, 2022.

7. On March 30, 2022, Defendants asked Plaintiff to provide legal authority supporting our request for Mr. Chow’s code.

8. On April 4, 2022, Plaintiff produced its rebuttal expert report by Dr. Guryan.

9. On or about April 20, 2022, Defendants agreed to provide the computer code Mr. Chow used, subject to a confidentiality agreement.

10. On April 27, 2022, Defendants deposed Dr. Guryan.

11. On May 9, 2022, Defendants produced part of the Chow code.
12. On May 17, 2022, Defendants produced the “matching file,” named “FPDS_SAM_PPIRS_2019_2020_matching_Test4.” (having 1,259,129 obs and 50 variables).
13. On May 18, 2022, Defendants sent Plaintiff an errata sheet with a declaration from Mr. Chow dated May 17, 2022. A true and accurate copy of this document is attached as Exhibit 3.

I state under penalty of perjury that the foregoing is true and correct.

Executed on June 21, 2022

/s/ Michael E. Rosman
Michael E. Rosman